

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 102 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

RATANSINH D SOLANKI

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Appearance:

MR HARDIK C RAWAL for Petitioner  
MR MK PATEL for Respondent No. 1

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 01/03/2000

ORAL JUDGEMENT

1. Heard learned counsel for the respective parties.  
Rule. Mr. Vaishnav waives service of rule. On a joint request of the learned counsel for the parties, this matter is taken up for final hearing today.

2. This is a petition under Article 227 of the Constitution of India though styled as one under Articles 14, 226 and 227 of the Constitution, at the instance of the Gujarat State Road Transport Corporation, challenging the judgement and award of the Labour Court in Reference [LCN] No. 128/97.

3. The respondent herein is a conductor in the employment of the petitioner - Corporation, who was charged and found guilty in the domestic inquiry of misconduct in not issuing tickets to a number of passengers though he had collected the fare in respect thereof. The disciplinary authority on the basis of the findings of fact, imposed a punishment of dismissal from service, which was challenged by the workman by way of a reference.

4. After recording the evidence, and on totality of the appreciation thereof, the Labour Court upheld the findings of the domestic inquiry, set aside the order of dismissal, and directed reinstatement with continuity of service, but without any backwages and further directed stoppage of one increment with permanent effect.

It is this judgement and award which is the subject matter of the present petition at the instance of the employer - Corporation.

5. I have heard the learned counsel for the respective parties and I have perused all such relevant evidentiary material on record to which my attention has been drawn. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel to the effect that the question of appropriate punishment is left entirely to the discretion of this Court.

6. As a result thereof, I am of the opinion that interest of justice would be served if the impugned judgement and award of the Labour Court is confirmed to the extent that it directs reinstatement of the workman with continuity of service, but without backwages. However, so far as the award further directs stoppage of one increment with permanent effect, I am of the opinion that the facts of the case require a slightly harsh punishment in order to improve the conduct of the conductor - workman. Therefore, it is held and directed that the impugned award so far as it directs further stoppage of one increment with permanent effect, is modified, and in its place, a stoppage of four increments with permanent effect shall be imposed. It is accordingly so directed.

7. This petition is accordingly partly allowed and rule is partly made absolute with no orders as to costs.

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